

NOT FOR PUBLICATION

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

JOSEPH WILLIAMS,

Plaintiff,

JERRAMIAH T. HEALY, et al.,

Defendants.

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Civil Action No.: 08-2389 (ES)

AMENDED ORDER

SALAS, DISTRICT JUDGE

For the reasons set forth in the Opinion filed herewith,

IT IS on this 5th day of July 2012,

ORDERED that the motion for summary judgment filed by Defendants Sergeant Heriberto Carratini, Sergeant Miguel Reyes, Police Officer William Figueroa, Police Officer James Crecco, Police Officer Erik Infantes, and the City of Jersey City (“Defendants”), (D.E. 115), is hereby GRANTED in part and DENIED in part; and it is further

ORDERED that the following charts reflect the disposition of *pro se* Plaintiff’s thirty one claims; and it is further

ORDERED that for any claim with a disposition of “Dismissed Without Prejudice,” the Court grants leave to Plaintiff to amend to cure the deficiencies set forth in the Court’s Opinion within fifteen (15) days of the date of this Order; and it is further

ORDERED that for any claim with a disposition of “Summary Judgment Granted; Claim Dismissed,” Plaintiff is not granted leave to amend; and it is further

ORDERED that for any claim with a disposition of “Judgment Reserved,” Defendants are permitted to file a supplemental brief to the Court addressing those claims; and it is further

ORDERED that Defendants' supplemental brief should be no longer than fifteen (15) pages in length; and it is further

ORDERED that Defendants' supplemental brief should attach any and all documents on which Defendants rely factually in support of their arguments; and it is further

ORDERED that Defendants' supplemental brief should be filed with the Court, including two tabbed courtesy copies by July 13, 2012; and it is further

ORDERED that Defendants properly serve their supplemental brief on Plaintiff; and it is further

ORDERED that Plaintiff will be permitted to submit a responsive brief to Defendants' supplemental brief; and it is further

ORDERED that Plaintiff's supplemental brief should be no longer than fifteen (15) pages in length; and it is further

ORDERED that Plaintiff's supplemental brief should attach any and all documents on which Plaintiff relies factually in support of his arguments; and it is further

ORDERED that Plaintiff's supplemental brief should be filed with the Court by July 23, 2012; and it is further

ORDERED that, should the Court notify the parties in a separate Order that oral argument will be held, that oral argument will be held at 11:00AM on August 2, 2012;

Federal Count	Disposition
Count I: 42 U.S.C. § 1983 excessive use of force against Carratini, Reyes, Figueroa, Crecco, Infantes, Jane Doe	Judgment Reserved
Count II: 42 U.S.C. § 1983 unlawful arrest against Carratini, Reyes, Figueroa, Crecco, Infantes, Jane Doe	Summary Judgment Granted; Claim Dismissed
Count III: 42 U.S.C. § 1983 unreasonable search and seizure against Carratini, Reyes, Figueroa, Crecco, Infantes, Jane Doe	Judgment Reserved
Count IV: 42 U.S.C. § 1983 “under color of state law” against Carratini, Reyes, Figueroa, Crecco, Infantes, Jane Doe	Dismissed Without Prejudice
Count V: 42 U.S.C. §§ 1983, 1985(1), (2), (3) conspiracy against Carratini, Reyes, Figueroa, Crecco, Infantes	Section 1983: Judgment Reserved Section 1985:Dismissed Without Prejudice
Count VI: 42 U.S.C. § 1986 “failure to prevent conspiracy” Carratini, Reyes, Figueroa, Crecco, Infantes	Judgment Reserved
Count VII: 42 U.S.C. § 1983 “failure to intercede in wrongs” against Carratini, Reyes, Figueroa, Crecco, Infantes, Jane Doe	Dismissed Without Prejudice
Count VIII: 42 U.S.C. § 1983 “failure to train and adequately supervise” against Carratini (official and individual capacity), Reyes, Figueroa, Crecco, Infantes	Summary Judgment Granted; Claim Dismissed
Count IX: 42 U.S.C. § 1983 “falsification of official reports” against Carratini, Reyes, Figueroa, Crecco, Infantes	Judgment Reserved
Count X: 42 U.S.C. § 1983 “official misconduct” against Carratini, Reyes, Figueroa, Crecco, Infantes	Dismissed Without Prejudice
Count XI: 42 U.S.C. § 1983 “fraudulent fabrication of evidence” against Carratini, Reyes, Figueroa, Crecco, Infantes	Judgment Reserved

Count XII: 42 U.S.C. § 1983 “perjury” against Reyes	Summary Judgment Granted; Claim Dismissed
Count XIII: 42 U.S.C. § 1983 “abuse of process” against Carratini, Reyes, Figueroa, Crecco, Infantes	Summary Judgment Granted; Claim Dismissed
Count XIV: 42 U.S.C. § 1983 “denial of due process and equal protection” against Carratini, Reyes, Figueroa, Crecco, Infantes, Jane Doe	Judgment Reserved
Count XV: 42 U.S.C. § 1983 “intentional infliction of emotional distress” against Carratini, Reyes, Figueroa, Crecco, Infantes, Jane Doe	Summary Judgment Granted; Claim Dismissed
Count XVI: 42 U.S.C. § 1983 “fraudulent concealment of evidence” against Carratini, Reyes, Figueroa, Crecco, Infantes	Judgment Reserved
Count XVII: 42 U.S.C. § 1983 “obstruction of justice” against Carratini, Reyes, Figueroa, Crecco, Infantes	Summary Judgment Granted; Claim Dismissed
Count XVIII: 42 U.S.C. § 1983 “judicial deception” against Carratini, Reyes, Figueroa, Crecco, Infantes	Judgment Reserved
Count XIX: 42 U.S.C. §§ 1983, 1985(1), (2), (3) “conspiracy” against Assistant Public Defender Peterson	Section 1983: Judgment Reserved Section 1985: Dismissed Without Prejudice

State Count	Disposition
Count I: “excessive use of force” against Carratini, Reyes, Figueroa, Crecco, Infantes, Jane Doe	Judgment Reserved
Count II: “unlawful arrest” against Carratini, Reyes, Figueroa, Crecco, Infantes, Jane Doe	Summary Judgment Granted; Claim Dismissed
Count III: “unreasonable search and seizure” against Carratini, Reyes, Figueroa, Crecco, Infantes, Jane Doe	Judgment Reserved
Count IV: “conspiracy” against Carratini, Reyes, Figueroa, Crecco, Infantes	Judgment Reserved
Count V: “falsification of official reports” against Carratini, Reyes, Figueroa, Crecco, Infantes	Judgment Reserved
Count VI: “official misconduct” against Carratini, Reyes, Figueroa, Crecco, Infantes	Dismissed Without Prejudice
Count VII: “perjury” against Sgt. Reyes	Summary Judgment Granted; Claim Dismissed
Count VIII: “fraudulent fabrication of evidence” against Carratini, Reyes, Figueroa, Crecco, Infantes	Judgment Reserved
Count IX: “abuse of process” against Carratini, Reyes, Figueroa, Crecco, Infantes	Summary Judgment Granted; Claim Dismissed
Count X: “denial of due process and equal protection under the law” against Carratini, Reyes, Figueroa, Crecco, Infantes, Jane Doe	Judgment Reserved
Count XI: “intentional infliction of emotion distress” against Carratini, Reyes, Figueroa, Crecco, Infantes, Jane Doe	Summary Judgment Granted; Claim Dismissed
Count XII: “negligent hiring, training, supervision, and retention” against Carratini (official and individual capacity)	Summary Judgment Granted; Claim Dismissed

And it is finally ORDERED that the Clerk of Court shall terminate the motion at (D.E. 115) referenced above in accordance with this Order.

s/Esther Salas
Esther Salas, U.S.D.J.